

FACTSHEET: Significant Changes between the 2015 and 2021 Code

Technical Documents

- Technical Documents are one of the main elements of the World Anti-Doping Program.
- Technical Documents are mandatory.
- Technical Documents are in effect as soon as they are published by WADA (unless a later date is specified).
- WADA's Executive Committee (ExCo) will consult stakeholders on new technical documents that are not time sensitive.

Health as a Rationale for the Code

- Health is now the top rationale for the Code.
- Public health is a primary reason for the Whereabouts requirements of the Code.
- The ethical foundation for the Code has been strengthened.

Fundamental Rationale: Athlete's Rights

- The Fundamental Rationale for the Code includes the identification of athletes' rights.
- It is WADA's responsibility to approve a document that compiles athletes' rights that are specifically identified in the Code.
- WADA will identify principles of best practice with respect to the overall protection of athletes' rights in the context of anti-doping.

The Athletes' Anti-Doping Rights Act was approved by WADA's ExCo during the 2019 World Conference on Doping in Sport. The Act was developed by WADA's Athlete Committee in consultation with athletes and stakeholders worldwide. It is based on the 2021 Code and Standards and aims to ensure that athlete rights within anti-doping are clearly set out, accessible, and universally applicable.



Delegation of Doping Control Functions

- Anti-Doping Organizations (ADOs) are responsible for all aspects of doping control, including any aspects delegated to a third party.
- ADOs should require third parties to report any finding of non-compliance to them.

Procedures Related to Split Samples

- A single A-Sample or B-Sample can be split and used for both initial analysis and both parts of the confirmation analysis.
- The laboratory and ADO with Results Management (RM) responsibility must try to notify the athlete of the opportunity to observe the opening of the single bottle.

Expansion of Laboratory Reports for Atypical Findings (ATFs) Beyond Endogenous Substances

- WADA has expanded the category of ATFs beyond endogenous substance.
- Trace amounts of Clenbuterol can be reported as an ATF.

Tampering

- The definition of tampering has been consolidated.

Attempted Complicity

- Attempted complicity is an anti-doping rule violation (ADRV).

Prohibited Association

- For potential cases of Prohibited Association, ADOs no longer have to provide athletes advanced notice that a support person is ineligible.
- ADOs must demonstrate that an athlete knew that he/she was associated with a support personnel who was ineligible.

Protection for Individuals Reporting Violations

- Discouraging someone from reporting information relating to doping activities (including non-compliance with the Code) is a new ADRV.
- Retaliating against another person for reporting information relating to doping activities is a new ADRV.
- Such activities will result in a sanction from two years to a lifetime ban depending on the seriousness of the violation.

Burden Shifting

- It is the responsibility of the ADO to prove that departures from the International Standard for Testing and Investigations (ISTI) (sample collection or sample handling) or International Standard for Results Management (ISRM) (Adverse Passport Finding, Whereabouts failures, notice to the athlete regarding B-sample opening) did not cause an ADRV.
- Other violations of anti-doping rules or policies may result in compliance issues but cannot be used as a defense for an ADRV.

Substances not Prohibited Out-of-Competition found in In-Competition Samples

- A working group has been put together to create thresholds for certain substances. In some cases, the substances were obviously used out-of-competition and could not possibly have had an in-competition effect.

Specified Methods

- Currently all prohibited methods are 'non-specified'. It will be possible for new or existing prohibited methods to be identified as 'specified'.

Expanded use of the Monitoring Program

- WADA can look at data related to substances to see if they should be included in the Monitoring Program or on the List of Prohibited Substances and Methods (List).

Retired Athletes Returning to Competition

- An athlete's results will not be disqualified when he/she returns to competition after retiring, if he/she can prove that they did not know that the event was an international or national level event.

Use of Information from Sample Analysis

- Data from sample analysis and other anti-doping information can be used for research purposes, method development or to establish reference populations.
- The data cannot be traced back to a particular athlete.

Use of Other Laboratories to Establish Forensic Facts

- While only results from a WADA-approved or a WADA-recognized laboratory can be used to establish an adverse analytical finding (AAF), other reliable forensic methods can be used from reliable non-WADA-approved/-recognized labs to support an investigation.

Further Analysis of Samples

- There is no limit to the number of analyses conducted on a sample before an athlete is notified of an AAF.
- Once an athlete is notified of an AAF, no new/further analysis can be conducted without the consent of the athlete or a hearing panel.
- For a negative sample, there is no limitation on the ADO that initiated the sample collection or WADA from conducting further analysis or retesting.
- Other ADOs with authority over the athlete can further analyze a sample but must get permission from the ADO that initiated the sample collection or from WADA.

WADA's Right to Take Possession of Samples and Data

- WADA can take immediate possession of samples and anti-doping data.

Changes to Results Management

- Details about RM have been moved to the new ISRM.
- ADOs, other than Major Event Organizations (MEOs), must not limit their decisions to a particular geographic area or sport.
- Consequences imposed by a Signatory will be in effect for all sports, worldwide, without action from other ADOs. The exception is for decisions made by MEOs that only apply to the major event and they are turned over to the applicable International Federations (IFs) for follow up results management.

WADA's Right to Require an ADO to Conduct Results Management

- An ADO with results management authority (RMA) who refuses to conduct RM can be considered an act of non-compliance.
- WADA can demand that an ADO with RMA to conduct results management and if the ADO refuses, WADA may designate another ADO with authority over the athlete to conduct the results management. The refusing ADO will cover the costs associated with the results management.

More Rigorous Standards for Fair Hearings

- Hearing panels must be 'operationally independent' from the investigation of, or decisions to proceed with, the case.

Definition of Intentional

- Consistent with existing Court of Arbitration for Sport (CAS) decisions, 'intentional' means that the person intended to commit an act that constitutes an ADRV regardless whether the person knew it violated the Code or not.

Substances of Abuse

- Some substances on the List will be identified as 'Substances of Abuse' by WADA's List Expert Group because they are frequently abused in society outside of the context of sport.
- A three-month sanction will be given when an athlete can prove that the use happened out-of-competition and was unrelated to sport performance.
- The sanction can be reduced to one month if the athlete completes a rehabilitation program.

Flexibility in Sanctioning for Refusal to Submit to Sample Collection or Tampering

- In exceptional circumstances, the sanction for refusing to submit or tampering with the sample collection process can be from two to four years.

Fraudulent Conduct During Results Management and Hearing Process

- Tampering during RM will be considered as a separate first violation.
- The sanction for tampering during RM will be two to four years and added on to any sanction for the violation reviewed.

Increasing the Upper End of the Sanction for Complicity

- The range of ineligibility for complicity is two years to a lifetime ban.

Re-Introduction of the Concept of 'Aggravating Circumstances'

- The Aggravating Circumstances Article deals with special or exceptional circumstances where an additional sanction from 0-2 years is appropriate.

Addressing Common Contaminants in Supplements and Other Products

- A special WADA working group is working on an approach to possibly raising the reporting limits for prohibited substances that are known contaminants.

Substantial Assistance: Expansion of Types of Cooperation Justifying Reduced Sanction

- The possibility of having a sanction reduced for substantial assistance has been expanded to include helping to establish non-compliance with the Code and International Standards and other types of sport integrity violations.
- WADA can agree to not publicly disclose an ADRV in exchange for substantial assistance.

New Article Entitled Results Management Agreements

- An athlete or other person facing a four-year sanction can have the sanction reduced by a year by admitting to the ADRV and accepting the sanction within 20 days of the ADRV notice.
- An ADO, athlete or other person and WADA to enter into a Case Resolution Agreement where the applicable sanction can be agreed upon based on the facts of the case.
- Case Resolution Agreements cannot be appealed.
- An athlete who is negotiating a Case Resolution Agreement is entitled to share his/her story under a 'Without Prejudice Agreement'.

Improvements to the Multiple Violations Rules

- A new violation found to have occurred more than 12 months before a first violation that an athlete or other person has been sanctioned for, the later-discovered violation will be sanctioned as if it was the first violation and will be added to the period of ineligibility for the first violation.
- The sanction for a second anti-doping rule violation discovered during a period of ineligibility will be served consecutively after the period of the first violation.
- The formula for calculating the period of ineligibility for a second ADRV has been modified to be more proportionate and not so dependent on the order in which the two violations occurred.

Forfeited Prize Money Goes to Other Athletes

- When forfeited prize money as a result of an ADRV is collected by an ADO, the ADO will take reasonable measures to distribute the prize money to the athletes who would have been entitled to it had the athlete who committed an ADRV not competed.
- It is up to the rules of the sporting body if any rankings based on prize money is reconsidered.

Delays not Attributable to the Athlete or Other Person

- It is up to the athlete or other person to establish that any delays in the hearing process is not their fault.
- Flexibility provided in the Code will not be possible in the case of lengthy investigations, particularly where the athlete or other person has acted to avoid detection.

Clarifications Relating to Sanctions for Violation of a Provisional Suspension

- An athlete who is provisionally suspended and continues to participate will not be given credit for the period of the provisional suspension.
- All results earned while an athlete is provisionally suspended will be disqualified.

Express Authority of a Signatory to Exclude Athletes and Other Persons from its Events as a Sanction Against a Member Federation

- The IOC, IPC and IF can discipline member NOCs, NPCs or NFs by excluding athletes from its respective event.
- The IOC, IPC, IF or NOC/NPC are not obligated to monitor their members' compliance as a requirement of their own Code Compliance.
- The IOC, IPC, IF or NOC/NPC can, however, take action against members for failing to implement Code-compliant anti-doping rules and can take action when aware of such non-compliance by a member in the implementation of those rules.

Scope of Review on Appeal

- Any party to an appeal can submit evidence, legal arguments and claims that were not raised in the first hearing as long as they come from the same cause of action or same general facts or circumstances raised in the first instance hearing.

Appeals Involving National Level Athletes

- Where the structure of the national level appellate body is not fair, impartial, and operationally and institutionally independent, the athlete or other person has the right to appeal to CAS.

Public Disclosure

- Failing to make a public disclosure will not be considered as a Code Compliance Violation where public disclosure is prohibited by national law.
- After an initial hearing has been completed or waived, the ADO conducting results management can make public its determination or the hearing panel decision and can comment publicly on the matter.

Implementation of Decisions

- All the results management decisions of Signatory ADOs, with the exception of decisions by MEOs, are automatically recognized worldwide in all sports.
- Only the original RMA has liability if its decision was wrongly taken.
- All provisional suspensions are automatically binding on other Signatories.

Article 18: Education

- The International Standard for Education (ISE) provides detail on the mandatory education requirements to be included in a Signatory's anti-doping program.
- A definition for education is included in the Code.

Obligation of Individual Signatory Participants to be Bound by the Code and Signatories to not Employ any Person who have Violated the Code

- Two new articles have been added to the Code to address roles and responsibilities for each Signatory personal obligations about ensuring that those involved in anti-doping are bound by the Code (or applicable rules/laws) and that those involved in doping control are not serving a period of ineligibility, provisionally suspended or engaged in conduct in the previous six years that would violate anti-doping rules or the Code.

National Anti-Doping Organizations Conflict of Interest Policies

- Any person involved in the operational decisions or activities of a NADO cannot also be involved in the management or operations of any IF, NF, MEO, NOC, NPC, or government department with responsibility for sport or anti-doping.

Signatories' Expectations of Governments

- Governments are only bound by the requirements of the UNESCO International Convention against Doping in Sport (UNESCO Convention).
- The word 'should' instead of the word 'shall' was used to describe the eleven separate subsections of Article 22, which set forth the Signatories' expectations.
- Additional expectations of the Signatories have been added including:
 - Putting in place legislation, regulation, policies or administrative practices giving access unrestricted access to doping control officials and unrestricted transport of urine and blood samples.
 - Adopting rules to discipline officials and employees who engage in conduct which violates the Code.

- Not allowing anyone to be involved in a government's doping control activities, sport performance or medical care in a sport setting who has engaged in conduct which would have been a Code violation in the previous six years.
- Not limiting or restricting WADA's access to any samples or anti-doping records or information held by any Signatory, member of a Signatory or WADA-accredited lab.

How Does a Sport Organization Become a Signatory?

- Organizations recognized by the Olympic Movement may become a Code Signatory by signing a declaration of acceptance or other form of acceptance approved by WADA.
- WADA will adopt a new policy setting forth conditions that other entities having significant relevance in sport must meet in order to submit an application to WADA to become a Code Signatory.

Code of Conduct, Medical and Safety Rules Permitted Under Article 23.2

- Nothing in the Code precludes a Signatory from having safety, medical or code of conduct rules that are used for purposes other than anti-doping.
- Doping control samples can be used for other purposes including enforcement of an ADO's code of conduct rules or, for example, to monitor an IF's transgender eligibility rules.

Code Compliance and Monitoring

- The detailed rules addressing Code Compliance and monitoring are found in the International Standard for Code Compliance by Signatories (ISCCS), with the most important provisions included in Article 24 of the Code.
- Compliance articles are separated into:
 - Acceptance and Implementation
 - Monitoring and Enforcing
 - Modification and Withdrawal

Non-Retroactive Effect of Changes to the List

- Changes to the List or a related Technical Document cannot, unless specifically stated otherwise, be applied retroactively.
- When a prohibited substance has been removed from the List, an athlete serving a period of ineligibility for the substance in question, may apply to the relevant RMA to consider a reduction in the period of ineligibility.

Definition of 'in-competition'

- The standard definition for 'in-competition' refers to the period starting at 11:59 pm on the day before competition until the end of competition and the sample collection process related to such competition.
- WADA can approve a definition for a sport that has a unique reason for a different definition of in-competition, which will also be followed by MEOs that include the sport.

'Protected Persons' and Minors

- More flexible sanctioning rules are applied to an expanded group of athletes described as 'Protected Persons' that includes individuals who, for reasons other than age, have been determined to lack legal capacity under applicable national legislation.
- Elite 16- and 17-year old athletes are not included in the definition of Protected Persons and would not benefit from the special flexible sanctioning rules.
- Elite 16- and 17-year old athletes would, as minors, be excused from mandatory public disclosure.

'Recreational Athletes' Permitted More Flexibility in the Imposition of Consequences

- The new category of athlete – 'recreational athletes' – benefits from the same flexibility in sanctioning as Protected Persons.
- Each NADO can define recreational athlete, however, cannot include any athlete who in the prior five years has been:
 - An international-level or national-level athlete;
 - Represent a country in an international event in an open category; or
 - Been in an IF or NADO Registered Testing Pool (RTP) or other Whereabouts Pool.